

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY DeFRANCO,)	
)	
Plaintiff,)	
)	Civil Action No. 04-230-ERIE
V.)	
)	Judge Maurice B. Cohill, Jr.
SUPERINTENDENT WILLIAM WOLF;)	Mag. Judge Susan P. Baxter
STEVE REILLY; DENESE BRUNNER;)	
MANAGER ROD SHOWERS; CASE)	
MANAGER JUDY JACKSON;)	
DR. JOHN DOE; JANE DOE;)	
JEFFREY BEARD; ASSIST. SUPER.)	
WILLIAM BARR; MARILYN)	
BROOKS,)	
Defendants.)	

DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR EXTENSION OF TIME

AND NOW, come the defendants, Superintendent William Wolfe, Steve Reilly, Denese Brunner, Manager Rod Showers, Case Mgr.—GECAC Judy Jackson, Jeffrey Beard, Assist. Super. William Barr, and Marilyn Brooks (incorrectly identified as “Mariland”) by their attorneys, Thomas W. Corbett, Jr., Attorney General, Mary Lynch Friedline, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and submit the following Response to Plaintiff’s Motion (Doc. #245) for Extension of Time to File a Response to Defendants’ Reply Brief:

1. Defendants’ filed a Cross Motion for Summary Judgment on August 1, 2006. (Doc. # 201.) This Court extended the deadline for plaintiff to respond to Defendants’ Cross Motion until September 15, 2006 (Doc. #219), and the District Court subsequently extended the response deadline again, until October 16, 2006 (Doc. #221).

2. Plaintiff filed his response, which he labeled a “Cross Motion,” on October 16, 2006. The defendants requested additional time to file a response or reply, together with declarations addressing new assertions of “fact” by the plaintiff. This was filed on November 15, 2006.

3. In his latest Motion for Extension of Time, plaintiff now seeks to file yet another response to defendants’ reply, in which he intends to submit additional “professional medical declarations” regarding his condition.

4. There is no end in sight to plaintiff’s filings. The time to put forth medical declarations was in his October 16, 2006 response to defendants’ original Cross Motion for Summary Judgment (in which defendants had offered the declarations of Drs. Baker and Polmueller). Indeed, he attempted to do so by attaching a declaration by his brother.

5. Above all, there was nothing in Defendants’ recent response that would warrant further reply by plaintiff or input by his “medical professionals.” Defendants did not submit “new” medical declarations in their November 15, 2006 reply – only a declaration by defendant Steve Reilly (Chief Psychologist) to explain his own actions in 2000 which had been the subject of plaintiff’s misrepresentations.

6. Although counsel would generally not object to any request for additional time by a plaintiff, the fact is defendants’ Cross Motion for Summary Judgment has been fully briefed (the Cross Motion was filed, plaintiff responded and defendants filed a reply addressing new issues raised by plaintiff in his response). There are no exceptional circumstances present to justify continued replies and submissions.

WHEREFORE, defendants submit that plaintiff's Motion for Extension of Time to file further replies and declarations is without merit and should be denied.

Respectfully submitted:

Thomas W. Corbett, Jr.
Attorney General

By: /s/ Mary Lynch Friedline
MARY LYNCH FRIEDLINE
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Date: November 20, 2006

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2006, I electronically filed the foregoing ***Response to Motion for Sanctions*** with the Clerk of Court using the CM/ECF system. This document will be mailed via U.S. mail to the following non CM/ECF participants:

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